

REMARKS

Status of the Claims

Claims 1, 2, 4-6, and 8-37 remain pending in the application, Claims 3 and 7 having been previously cancelled. No amendments have been made to the application or to the claims in this response.

Claims Rejected Under 35 U.S.C. § 102(e)

The Examiner has rejected Claims 1-2, 4, 8-18 and 22-34 as being anticipated by Leigh (U.S. Patent No. 6,728,787, hereinafter referred to as “Leigh”). The Examiner asserts that Leigh describes each element of applicants’ claimed invention. Applicants respectfully disagree for the reasons discussed below.

In the interest of reducing the complexity of the issues for the Examiner to consider in this response, the following discussion focuses on independent Claims 1 and 23. The patentability of each remaining dependent claim is not necessarily separately addressed in detail. However, applicants' decision not to discuss the differences between the cited art and each dependent claim should not be considered as an admission that applicants concur with the Examiner's conclusion that these dependent claims are not patentable over the disclosure in the cited references. Similarly, applicants' decision not to discuss differences between the prior art and every claim element, or every comment made by the Examiner, should not be considered as an admission that applicants concur with the Examiner's interpretation and assertions regarding those claims. Indeed, applicants believe that all of the dependent claims patentably distinguish over the references cited. Moreover, a specific traverse of the rejection of each dependent claim is not required, since dependent claims are patentable for at least the same reasons as the independent claims from which the dependent claims ultimately depend.

With respect to independent Claim 1, in response to applicants' previously presented argument that there is no teaching or suggestion in Leigh of providing a pointer to an addressable location in a memory of the peripheral device, the Examiner asserts that since the register is used to hold the actual interested data, the common idiom for accessing this register or memory location is to use a pointer whose value contains the register's address. Thus, the Examiner appears to imply that applicants' are claiming a conventional and known process to access the data stored in a register, using a pointer. Therefore, the Examiner concludes, the applicants still fail to clearly disclose the

1 novelty of the invention and identify a specific limitation, which would define a patentable distinction
2 over the cited prior art (see the Office Action, page 3).

3 Applicants respectfully disagree that providing a pointer to a location in an addressable
4 memory of a peripheral device at which a network address is stored, as recited in Claim 1, is a
5 conventional known process. The Examiner has failed to cite any art that teaches or suggests using a
6 pointer to identify a location in a memory of any peripheral device. Even if, *arguendo*, pointers are
7 sometimes used to indicate a memory address in a personal computer, it is not obvious to provide a
8 pointer to a host device that indicates a location of a network address in a memory of a peripheral
9 device. No prior art has been cited to support the Examiner's assertion regarding this aspect of the
10 claimed invention.

11 With respect to applicants' argument relating to step (c) of Claim 1 that the Examiner does
12 not provide a citation to any portion of Fleming where the prior art discloses or suggests requesting
13 permission of a user in order to communicate with a source, or, once permission is received from the
14 user, initiating the communication between the host device and the source, the Examiner asserts that
15 the Fleming reference does indeed imply these features. The Examiner indicates that since Fleming
16 teaches making the current driver accessible at a location specified by a URL on the network, it
17 allows the current driver to be retrieved by a requester across the network (Office Action, page 4).
18 Further, the Examiner equates the word "requester" with an interaction with the user that involves
19 making a request in order to access and retrieve the necessary driver from the network.

20 Applicants respectfully disagree with the Examiner's interpretation of the word "requestor" as
21 used by Fleming. The term "requester" as used by Fleming does not relate to any request made of a
22 user. The Examiner is relying on the root word "request" that is used in "requestor" by Fleming in
23 reaching a conclusion that is entirely unjustified based upon the context in which the word is used by
24 Fleming. At col. 4, line 42, through line 45, Fleming states:

25 Next server 112 makes current driver 116 accessible at a location specified by URL
26 106 on network 111 (step 208). This allows ***current driver 116 to be retrieved by a***
requestor across network 111. (Emphasis added.)

28 As used by Fleming, the term requestor clearly means that a data request for the current driver
29 is used to retrieve the driver over network 111. There is no interaction with the user indicated by
30 Fleming and the request for the driver happens in a fully automated manner, as is indicated by all

1 other aspects of Fleming. Fleming states that the "... present invention relates to a method and an
2 apparatus for *automatically* retrieving and installing software device drivers across a network"
3 (Emphasis added, Fleming, column 1, lines 17-20). There is no teaching or suggestion in Fleming
4 that indicates a user is asked before a connection is made to a network location to retrieve a driver.
5 Thus, Fleming does not teach or disclose requesting permission and receiving permission from the
6 user before communicating with a network source, as recited by applicants' claims.

7 In addition, the Examiner asserts that since applicants disclose how, for example,
8 downloading drivers and other software materials is a manual, time-consuming process and how it is
9 preferable to enable the operating system on a computing device to automatically obtain any device
10 driver required, that applicants have taught away from involving user interactions in favor of a fully
11 automated process. Applicants respectfully disagree that their specification teaches away from the
12 recitation in the claims. For example, applicants specifically disclose that "access of the remote
13 device can be fully automated *or can optionally be implemented only with the permission of the*
14 *user* (see Abstract of the Disclosure, page 32, lines 20-21 – emphasis added). To summarize,
15 applicants disclose that either the entire process of accessing the remote source proceeds
16 automatically or that the user gives permission to communicate with the source where the desired
17 information pertaining to the peripheral device is located. Applicants do not teach that either the
18 process of accessing the remote source is necessarily *only* automated, although it can be. The
19 recitation in Claim 1 is entirely consistent with applicants' specification and defines an invention that
20 differs from the cited art in a patentable and nonobvious manner. Thus, Claim 1 is patentable over
21 the cited art.

22 In addition, independent Claim 23, which defines a system for automatically accessing
23 information related to a peripheral device, distinguishes over Leigh for reasons similar to those
24 expressed above in connection with Claim 1. Accordingly, the rejection of independent Claims 1
25 and 23 under 35 U.S.C. § 102(e) over Leigh should be withdrawn.

26 Because dependent claims inherently include all of the recitation of the independent claims
27 from which the dependent claims ultimately depend, and because the art cited does not disclose or
28 suggest all of the recitation of independent Claims 1 and 23, the rejection of dependent Claims 2, 4,
29 8-18, 22, and 24-34 should be withdrawn because these dependent claims are patentable for at least
30 the same reasons as Claims 1 and 23.

Claims Rejected under 35 U.S.C. § 103(a)

Claims 5-6, 19-21 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leigh and in view of Fleming. The Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the Fleming reference with the Leigh reference to provide a device for utilization upon detection of its presence by automatically retrieving from the device a locator specifying the location (i.e., a network address) that is stored in the memory of the device and installing the device driver once it is retrieved. However, Claims 5-6, 19-21, and 35-37 depend from independent Claims 1 and 23, which are patentable for the reasons discussed above. Because dependent claims inherently include the recitation of the independent claims from which the dependent claims ultimately depend, dependent Claims 5-6, 19-21, and 35-37 are patentable for at least the same reasons discussed above with regard to independent Claims 1 and 23. Accordingly, the rejection of dependent Claims 5-6, 19-21 and 35-37 under 35 U.S.C. § 103(a) over Leigh in view of Fleming should be withdrawn.

14 In view of the amendments and Remarks set forth above, it will be apparent that the claims in
15 this application define a novel and non-obvious invention, and that the application is in condition for
16 allowance and should be passed to issue without further delay. Should any further questions remain,
17 the Examiner is invited to telephone applicants' attorney at the number listed below.

Respectfully submitted,

Michael C. King
Registration No. 44,832

MCK/SKM:lrq

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on March 14, 2005.

Date: March 14, 2005

Frederick Danner